UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 03-344 (2) (MJD/RLE)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	DEFENDANT'S REQUEST FOR
v.	)	ADDITIONAL INSTRUCTION
	)	TO THE JURY
PAULA RAE PETRUK,	)	
	)	
Defendant.	)	

The defendant respectfully requests that the Court include the following additional instruction to the jury.

Dated: January 19, 2005

Respectfully submitted,

s/ Andrea K. George

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INSTRUCTION NO ____[Additional Instruction]

The “good faith” of Defendant Paula Petruk is a complete defense to each of the charges alleged in the indictment because good faith on the part of the defendant is, simply, inconsistent with the charges.

A person who acts, or causes another person to act, on a belief or an opinion honestly held is not punishable under this statute merely because the belief or opinion turns out to be inaccurate, incorrect, or wrong. An honest mistake in judgment or an honest error in management does not rise to the level of criminal conduct.

A defendant does not act in “good faith” if, even though she honestly holds a certain opinion or belief, that defendant also knowingly makes false or fraudulent pretenses, representations, or promises to others.

While the term “good faith” has no precise definition, it encompasses, among other things, a belief or opinion honestly held, an absence of malice or ill will, and an intention to avoid taking unfair advantage of another.

In determining whether or not the government has proven that Defendant Paula Petruk acted in good faith, the jury must consider all of the evidence received in the case bearing on the defendant’s state of mind.

The burden of proving good faith does not rest with the defendant because the defendant does not have any obligation to prove anything in this case. It is the government’s burden to prove to you, beyond a reasonable doubt, that Defendant Paula Petruk acted with the intent to defraud the United States out of money.

If the evidence in the case leaves the jury with a reasonable doubt as to whether the defendant acted with the intent to defraud the United States, the jury must acquit Defendant Paula Petruk.

O'Malley, Grenig and Lee, Federal Jury Practice and Instructions (5th Ed.), § 19.06 (modified)